PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Simmons et al.

Application Serial No.: 10/656,386

Filed: September 5, 2003

For: Stable Probiotic Microsphere Compositions and Their Methods of Preparation

Date: November 21, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97(b)

Sir:

Attached is a form PTO-1449, together with a copy of each of the identified document(s). It is requested that these documents be considered by the Examiner and officially made of record in accordance with the provisions of 37 C.F.R. § 1.56 and Section 609 of the MPEP.

This Information Disclosure Statement is submitted in accordance with 37 C.F.R. § 1.97(b), within three months of the filing date of the above-referenced application or before the mailing of a first Office Action on the merits, whichever event occurs last. Therefore, no fee is believed due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-0220.

Respectfully submitted

F. Michael Sajovec

Registration No. 31,793

Myers Bigel Sibley & Sajovec, P.A. P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

Customer No. 20792

Certificate of Mailing under 37 CFR 1.8 (or 1.10)
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22317-1450 on

November 21, 2003.

Clara R. Beard

NOV 2 4 2003

FORM PTO-1449 U.S. EPARTAGE OF COMMERCE PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.
5600-85	10/656,386
APPLICANT	

Donald L. SIMMONS et al.

FILING DATE September 5,2003 GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	-	ı	ooc	UME	ENT	NUN	ИВЕГ	₹	DATE NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
		6	3	0	6	3	9	1	2001	MODI et al.	424	93.44	
		4	3	9	6	6	3	1	1983	ADACHI et al.	426	61	
		5	6	3	5	2	0	2	1997	FORD	424	443	
		5	6	3	3	0	1	2	1997	FORD	424	451	
		4	3	3	2	7	9	0	1982	S0ZZI et al.	424	38	
		4	8	8	8	1	7	1	1989	OKONOGI et al.	424	93	
		6	2	4	2	2	3	0	2001	BATICH et al.	435	178	
	-	6	3	6	5	1	4	8	2002	KIM et al.	424	93.1	
		6	1	9	0	5	9	1	2001	VAN LENGERICH et al.	264	141	
		6	2	5	4	8	8	6	2001	FUSCA et al.	424	464	
		6	0	0	8	0	2	7	1999	LANGNER	435	174	

FOREIGN PATENT DOCUMENTS

													TRANS	LATION
		1	ooc	UMI	ENT	NUN	MBEI	₹	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
	wo	9	9	4	9	8	7	5	1999	РСТ				
	wo	0	1	9	5	9	1	8	2001	PCT				
	wo	0	0	4	1	5	7	6	2000	PCT				
	wo	9	7	1	6	1	9	8	1997	PCT				

		OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
EXAMINER		DATE CONSIDERED
EYAMINED: 1	nitial if ci	tation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NOV 2 4 2003

FORM PTO-1449 U.S. DEPRIMENT OF OMMERCE (Rev. 2-32) PATENT AND TRADEMARK OFFICE

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)

ATTY. DOCKET NO.	SERIAL NO.
APPLICANT Donald L. SIMMONS et al.	"
FILING DATE	GROUP

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		ι	000	UMI	ENT	NUN	ивеі	₹	DATE NAME	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
_	2002	0	0	2	5	3	0	9	2002	MODI et al.	424	93.44	
	2003	0	0	1	2	8	1	9	2003	KO et al.	424	493	
	2003	0	0	9	6	0	0	2	2003	BOREK et al.	424	452	
							,						
						_							

FOREIGN PATENT DOCUMENTS

												TRANS	LATION
	[ooc	UMI	ENT	NUN	IBE	₹	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
wo	0	1	1	2	1	6	4	2001	PCT				
EP	1	0	7	2	2	5	8	2001	EUROPE				
JP	9	1	1	0	7	0	6	1997	JAPAN				
 JP 6	2	2	0	1	8	2	3	1987	JAPAN				

	1,	OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
-		
EXAMINER	l	DATE CONSIDERED
EVALUED.	altial if al	ration accordanced, whether or not citation is in conformance with MPEP 600. Draw line through citation if not in

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U.S. SEPARTMENT F COMMERCE (Rev. 2-32) PATENT ASSESSMENT OF COMMERCE PATENT ASSESSMENT OF COMMERCE ATTY. DOCKET NO. (Rev. 2-32)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)

APPLICANT Donald L. SIMMONS et al.	
FILING DATE	GROUP

SERIAL NO.

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		C	юс	UME	ENT	NUN	/BEF	₹	DATE	NAME	E	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
													,	
· · · · · · · · · · · · · · · · · · ·														
					-									
	\dashv	\dashv												
													- "	
		\dashv												
	•													

FOREIGN PATENT DOCUMENTS

												TRANS	LATION
	'	DOC	UME	ENT	NU	ивеі	R	DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
WO 0	2	0	9	1	8	3	3	2002	PCT				

	 OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, Etc.)
EXAMINER	 DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.